

FILED
12/15/2023

Thomas G. Bruton
Clerk, U.S. DISTRICT COURT

**JUDGE DANIEL
MAGISTRATE JUDGE GILBERT
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

RECEIVED
10/23/2023

THOMAS G. BRUTON
Clerk, U.S. DISTRICT COURT

Mariela Aguilar Villa

 Plaintiff(s),

 v.
 Reyes Coca-Cola Bottling Co

 Defendant(s).

Case Number: 23-cv-15220

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is Mariela Aguilar Villa of the
county of Lake county in the state of Illinois.
3. The defendant is Reyes Coca-Cola Bottling Co, whose
street address is 750 Chestnut Ave,
(city) Park city (county) Lake county (state) Illinois (ZIP) 60085
(Defendant's telephone number) (847) - 263-0700
4. The plaintiff sought employment or was employed by the defendant at (street address)
750 Chestnut Ave (city) Park city
(county) Lake county (state) Illinois (ZIP code) 60085

Rev. 06/27/2016

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

5. The plaintiff [*check one box*]

- (a) ☐ was denied employment by the defendant.
- (b) ☐ was hired and is still employed by the defendant.
- (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about, (month) February, (day) 16, (year) 2023.

7.1 (*Choose paragraph 7.1 or 7.2, do not complete both.*)

- (a) The defendant is not a federal governmental agency, and the plaintiff [*check one box*] ☐ has ☒ has not filed a charge or charges against the defendant

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☒ the United States Equal Employment Opportunity Commission, on or about (month) August (day) 02 (year) 2023.
- (ii) ☐ the Illinois Department of Human Rights, on or about (month) _____ (day) _____ (year) _____.

- (b) If charges *were* filed with an agency indicated above, a copy of the charge is attached. ☐ Yes, ☒ No, **but plaintiff will file a copy of the charge within 14 days.**

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

- (a) the plaintiff previously filed a Complaint of Employment Discrimination with the

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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defendant asserting the acts of discrimination indicated in this court complaint.

☒ Yes (month) April (day) 15 (year) 2023

☐ No, did not file Complaint of Employment Discrimination

(b) The plaintiff received a Final Agency Decision on (month) _____
(day) _____ (year) _____.

(c) Attached is a copy of the

(i) Complaint of Employment Discrimination,

☒ Yes ☐ No, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ Yes ☐ No, but a copy will be filed within 14 days.

8. *(Complete paragraph 8 only if defendant is not a federal governmental agency.)*

(a) ☐ the United States Equal Employment Opportunity Commission has not
issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued
a *Notice of Right to Sue*, which was received by the plaintiff on
(month) August (day) 08 (year) 2023 a copy of which
Notice is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [***check only those that apply***]:

(a) ☐ Age (Age Discrimination Employment Act).

(b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

- (c) ☐ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☒ Sex (Title VII of the Civil Rights Act of 1964)

10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).

11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the ADA by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791; and for the ADEA, 29 U.S.C. § 626(c).

12. The defendant [*check only those that apply*]

- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ failed to stop harassment;
- (g) ☐ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☒ other (specify): Do to discrimination made my decision to leave

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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Because human resources and my boss jason didn't seem to do anything
 about the whole situation what was going on . I made it even worse for myself
 By just telling Human Resources ,And Aaron finding out, He made my
 work even difficult and stressful for me while He was enjoying it.

13. The facts supporting the plaintiff's claim of discrimination are as follows:

I reported with human resources about what Aaron

Was saying and doing to me;For example exposing me

Infront of everyone. And making fun of my English while i was training on the head set

I couldn't say the words right and Aaron had his phone out on his hands thinking he
 was recording me how i pronounce the words .

14. **[AGE DISCRIMINATION ONLY]** Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury. ☐ Yes ☒ No

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff
[check only those that apply]

(a) ☐ Direct the defendant to hire the plaintiff.

(b) ☐ Direct the defendant to re-employ the plaintiff.

(c) ☐ Direct the defendant to promote the plaintiff.

(d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.

(e) ☐ Direct the defendant to reasonably accommodate the plaintiff's disabilities.

(f) ☐ Direct the defendant to (specify): Pay me for Discrimination ,and for all

My Stress and Anxiety, He would make me go through while i was working at cocacola

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

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- (g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.
- (h) ☐ Grant such other relief as the Court may find appropriate.



(Plaintiff's signature)

Mariela Aguilar Villa

(Plaintiff's name)

3333 Susan circle N

(Plaintiff's street address)

(City) Park City (State) Illinois (ZIP) 60085

(Plaintiff's telephone number) (224) – 416-5149

Date: 10/18/2023

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	Charge Presented To: Agency(ies) Charge No(s): <div style="display: flex; justify-content: space-around;"> EEOC 440-2023-08610 </div>	
_____ and EEOC <i>State or local Agency, if any</i>		
Name <i>(indicate Mr., Ms., Mrs., Miss, Mx., Dr., Hon., Rev.)</i> Mariela Aguilar	Home Phone (224) 416-5149	Year of Birth
Street Address 33335 Roger Ave Park City, IL 60085		
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. <i>(If more than two, list under PARTICULARS below.)</i>		
Name Cocacola	No. Employees, Members 501+ Employees	Phone No. (847) 263-0700
Street Address 700 Chestnut Ave. Park City, IL 60085		
Name	No. Employees, Members	Phone No.
Street Address City, State and ZIP Code		
DISCRIMINATION BASED ON Retaliation, Sex	DATE(S) DISCRIMINATION TOOK PLACE <div style="display: flex; justify-content: space-between;"> Earliest 12/01/2022 Latest 07/09/2023 </div>	
THE PARTICULARS ARE <i>(If additional paper is needed, attach extra sheet(s))</i> : I began my employment with Respondent in or around December 2022. My most recent position was Picker. During my employment, Respondent subjected me to harassment and scrutiny. I complained to Respondent. Subsequently, on or about July 9, 2023, I was constructively discharged. I believe I was discriminated against because of my sex, Female, and in retaliation for engaging in protected activity in violation of Title VII of the Civil Rights Act of 1964, as amended.		
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.	NOTARY – <i>When necessary for State and Local Agency Requirements</i>	
I declare under penalty of perjury that the above is true and correct. <div style="display: flex; justify-content: space-between; margin-top: 20px;"> _____ <i>Date</i> _____ <i>Charging Party Signature</i> </div>	I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT <div style="display: flex; justify-content: space-between; margin-top: 20px;"> SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE <i>(month, day, year)</i> </div>	

CP Enclosure with EEOC Form 5 (11/09)

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Chicago District Office
230 S Dearborn Street
Chicago, IL 60604
(800) 669-4000
Website: www.eeoc.gov

DETERMINATION AND NOTICE OF RIGHTS

(This Notice replaces EEOC FORMS 161, 161-A & 161-B)

Issued On: August 8, 2023

To: Mariela Aguilar
33335 Roger Ave
Park City, IL 60085

Charge No: 440-2023-08610

EEOC Representative and email: **JAIRO MARQUEZ**
Investigator
jairo.marquez@eeoc.gov

DETERMINATION OF CHARGE

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

NOTICE OF YOUR RIGHT TO SUE

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 440-2023-08610.

On behalf of the Commission,

Digitally Signed By: Diane I. Smason
8/8/2023

Diane I. Smason
Acting District Director

Cc: Coca-Cola

Please retain this notice for your records.

2 of 3

Enclosure with EEOC Notice of Closure and Rights (01/22)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court **under Federal law**. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)*

IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA, the ADEA, or the PWFA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA, the ADEA or the PWFA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice and within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

ATTORNEY REPRESENTATION

For information about locating an attorney to represent you, go to:
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS

There are two ways to request a charge file: 1) a Freedom of Information Act (FOIA) request or 2) a "Section 83" request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your FOIA and/or Section 83 request for the charge file promptly to allow sufficient time for EEOC to respond and for your review.

To make a FOIA request for your charge file, submit your request online at <https://eeoc.arkcase.com/foia/portal/login> (this is the preferred method). You may also submit a FOIA request for your charge file by U.S. Mail by submitting a signed, written request

Enclosure with EEOC Notice of Closure and Rights (01/22)

identifying your request as a "FOIA Request" for Charge Number 440-2023-08610 to the District Director at Diane I. Smason, 230 S Dearborn Street

Chicago, IL 60604.

To make a Section 83 request for your charge file, submit a signed written request stating it is a "Section 83 Request" for Charge Number 440-2023-08610 to the District Director at Diane I. Smason, 230 S Dearborn Street

Chicago, IL 60604.

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA requests, go to <https://www.eeoc.gov/eeoc/foia/index.cfm>.

For more information on submitted Section 83 requests, go to <https://www.eeoc.gov/foia/section-83-disclosure-information-charge-files>.

Hi my name is Mariela Aguilar villa and this is my discriminatory report against Coca Cola. My manager Aaron started training me when I started working there. Since the moment I started, I realized that I was the only woman that would be working there. My manager from the start made his bodylanguage very clear that he wasn't going to be training me the way I deserved. My english isn't the best and whenever I would speak through the headset in english, he would mock me & make fun of my english. I also think that at some point he would record me with his phone.

Whenever Aaron would "teach me" to count pallets, he would put me on the spot in front of everyone to humiliate me. I don't count the pallets fast but I do always end up with the right number. When he realized that I wasn't counting fast, he said that I needed a highschool diploma to work at Coca Cola. He said this laughing and this really humiliated me.

There was one time he tried making me feel worried for no reason about my job. He told me that because I was talking to one of my coworkers he needed to send me home when in reality the shift was just over and everyone needed to go home. I would feel like everything he

would say was just to taunt me. I never witnessed Aaron treating anyone the way he treated me. constantly mocking me & humiliating me. Whenever I would speak Spanish to him, because I knew he spoke Spanish, he would tell me to speak English because he didn't understand me & because we were in America. This cost me a lot of anxiety, panic & stress at work and out of work on a daily basis. It seemed that no matter what I did, it was wrong and I would get made fun of for it.

Whenever I would need training in different things, he would constantly complain by making sighing noises & grunts. He constantly made me feel stupid so when I went to complain about how he was training me, crying, I got someone else to train me and I learned fine.

After many instances of feeling discriminated, I went to speak to Tracy in Human Resources about my situation. This wasn't anything helpful although it should have been because that's her job. When I explained to her how Aaron was treating me she wasn't really taking any notes about my report and she was saying things along the lines of "I can't believe this" in a sarcastic tone. This made me feel even more frustrated because I thought that reporting the situation would help me feel better at my job.

I kept my head low to not cause more issues with Aaron for a while but nothing would work.

One day after I had already reported my situation, she asked me how things were going with Aaron and I said that they were better but in my head I said to myself, definitely not thanks to her.

I went to speak to Aaron personally about how he was making me feel in his office and instead of taking the situation like a professional, he seemed upset and completely disregarded my comments. He then began to apologize to me while laughing making it clear that he wasn't being sincere or taking me seriously. I let him know that I filed a report to HR to have him take it more serious and again, he laughed and it didn't make a difference. His excuse and explanation to me ~~was~~ was that he was really stressed because of work and I said that it was no excuse for him to treat me that way. I said that he was being discriminatory against me because I was the only woman and he made up a story about growing up with a single mother. It was later that I found out this was a lie from a coworker. He was gaslighting me trying to cover himself up for his wrongs. Something I realized is that Aaron had everyone in that company wrapped around his finger because it almost seemed

like no one was allowed to tell him anything. There were many instances when I wouldn't have anyone to watch my kids so I would ask to come in a tiny bit later. I would ask for permission because I know that many coworkers would do the same thing and it was possible everyone in my area would be able to do this except me. Even when I let him know that I needed to pick my daughter up from the airport, he refused to let me go early, knowing it was an emergency but again, this was only to me. I was tired of being the only one who was being treated this way so I tried Tracy from HR again. I let her know that I almost wasn't able to get my kid from the people at the airport due to me being there late and her response was something along the lines of "but you got your kid right? what's the issue?" This was very disappointing considering I needed the support and I wasn't getting it anywhere.

I realized the favoritism more when I got into an accident with Aaron's favorite employee. I got hurt on my foot and was also blamed for the whole accident when it was both parties. My other coworker, Jeremy, was not blamed or anything at all. I was clearly hurt so I let Aaron know that I would be taking things easier and he said that he didn't want my numbers to change and that he didn't care.

Aaron was the reason why I quit my job there. I had so many panic attacks due to how I was being treated there and all of it drove me to the point of quitting. I went to Aaron in good faith to let him know I wouldn't be working there anymore and this made him lash out on me and he caused a huge scene in front of many people. He said that this was a job I would never be able to find anywhere else and that no one would pay me like them, making me feel small. When I quit, no one even cared to call and ask me what actually happened. Not HR, not Jason, who was Aaron's boss, whom I had also spoke to about all this. After feeling so unheard, unsupported & discriminated at this job, this made it all that much worse. I also feel like they never even bothered to leave good recommendations because after them, it was really hard for me to find another job. Over all very unprofessional way to handle everything and treating employees.